HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Application No. 1033 of 2006

1. Swami Ganga Nand disciple of Swami Nirbhyanand
2. Swami Swamayanand disciple of Swami Sachidanand
3. Sarla disciple of Devi Santanand
   All r/o Ajardham Saptsarovar, Bhpatwala, P.S. Kotwali, Haridwar, District Haridwar
4. Ramesh Ajardham Andh Vidyalaya, Saptsarovar, P.S. Kotwali, Haridwar ..... Applicant

Versus

1. State of Uttaranchal
2. Swami Sachidanand Mahant, Mahila Ashram and Andh Vidyalaya, Saptsarovar Marg Bhupatwala, P.S. Kotwali Nagar, Haridwar, District Haridwar

.....Respondents

Dated: 19.12.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Vivek Shukla counsel for the applicants and learned A.G.A. for the respondents.

By the present application under section 482 Cr.P.C. the applicants have prayed for quashing of the proceedings of Criminal Case no. 2948 of 2006 under section 306 I.P.C. pending in the court of Chief Judicial Magistrate, Haridwar.

Sri Vivek Shukla counsel for the applicants has submitted that they have been falsely implicated in this case and no case under section 306 I.P.C. is made out against the accused applicants.

The offence is exclusively triable by the Court of Sessions. No interference is required at this stage. However, it will be open for the applicants to take the defence at the state of trial. In view of the observations made by the Apex Court in the case Medchl Chemicals and Pharma (P) Ltd. vs. Biological E. Ltd. and others (2003) 3 SCC 269, no interference can be made under section 482 Cr.P.C.

In view of the above observations, application under Section 482 Cr.P.C. is dismissed.

Rajesh Tandon, J.

Dated: 19.12.2006

*Dhyani